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## FACSIMILE COVER SHEET

July 23, 2007

**Receiver:** Examiner Monique M. Wills  
USPTO

**FAX # :** 571-273-8300

**Sender:** James E. Austin

**Application No:** 10/772,157

**Re:** Response to Second Species Election Requirement  
Our File No.: PLUSP036

Pages Including Cover Sheet(s): 3

**MESSAGE:**

Please see attached.

Response to Second Species Election Requirement 2 pages

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NO. 391 P. 2

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Visco et al.

Attorney Docket No.: PLUSP036

Application No.: 10/772,157

Examiner: Monique M. Wills

Filed: February 3, 2004

Group: 1745

Title: ACTIVE METAL/AQUEOUS  
ELECTROCHEMICAL CELLS AND  
SYSTEMS

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile  
to fax number 571-273-8300 to the U.S. Patent and Trademark Office on  
July 23, 2007.

Signed: Deborah Neill  
Deborah Neill

**RESPONSE TO SECOND SPECIES ELECTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

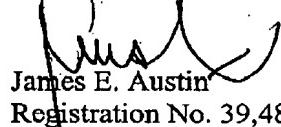
This is in response to the Species Election Requirement mailed June 29, 2007.  
Applicants hereby elect, without traverse, the identified species sea water, to initially prosecute  
in the above-identified patent application.

The claims readable on the elected species are claims 1-3, 8-12, 15-21, 23, 44, 45 and 48-  
63. Claim 8 is generic for the elected species.

It is understood that upon allowance of a generic claim, Applicants will be entitled to  
consideration of claims to additional species which depend from or otherwise require all the  
limitations of an allowable generic claim.

10/772,157  
PLUSP036

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP036).

Respectfully submitted,  
BEYER WEAVER LLP  
  
James E. Austin  
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